

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION**

CORJALON EVANS

PLAINTIFF

v.

No: 4:20-cv-01151 LPR-PSH

DOES, *et al.*

DEFENDANTS

PROPOSED FINDINGS AND RECOMMENDATION

INSTRUCTIONS

The following Recommendation has been sent to United States District Judge Lee P. Rudofsky. You may file written objections to all or part of this Recommendation. If you do so, those objections must: (1) specifically explain the factual and/or legal basis for your objection; and (2) be received by the Clerk of this Court within fourteen (14) days of this Recommendation. By not objecting, you may waive the right to appeal questions of fact.

DISPOSITION

Plaintiff Corjalon Evans filed a *pro se* complaint pursuant to 42 U.S.C. § 1983 on September 25, 2020, while incarcerated at the W.C. Brassell Adult Detention Center (Doc. No. 1).¹ On September 8, 2021, mail sent to Evans at his address of

¹ In its initial order to Evans, the Court notified him of his duty to promptly notify the Clerk and the parties of any change in his address. The Court also notified Evans that

record was returned to the Court as undeliverable (Doc. No. 17). The same day, the Court entered a text order directing Evans to provide notice of his current mailing address within the next 30 days. *See* Doc. No. 18. He was warned that his failure to provide a current mailing address would cause the undersigned to recommend that his complaint be dismissed. A printed version of the text order was sent to him at his last known address. The text order was returned to the Clerk of the Court and entered on the docket as undeliverable. *See* Doc. No. 19. The envelope containing the order contains a handwritten statement stating, “not at this address.” *Id.*

More than 30 days have passed, and Evans has not complied or otherwise responded to the September 8, 2021 text order. Evans failed to notify the Clerk and the other parties to the proceedings of a change in his address as required by Local Rule 5.5(c)(2). Accordingly, the Court finds that this action should be dismissed without prejudice for failure to comply with Local Rule 5.5(c)(2) and failure to respond to the Court’s orders. *See Miller v. Benson*, 51 F.3d 166, 168 (8th Cir. 1995) (district courts have inherent power to dismiss *sua sponte* a case for failure to prosecute, and exercise of that power is reviewed for abuse of discretion).

if any communication from the Court to him is not responded to within 30 days, his case may be dismissed without prejudice. Doc. No. 2.

It is therefore recommended that Evans' complaint (Doc. No. 1) be dismissed without prejudice.

DATED this 18th day of October, 2021.

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke extending to the right.

UNITED STATES MAGISTRATE JUDGE